



## **STATE BOARD OF ELECTIONS**

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Attached, please see new temporary Rules on Multipartisan Assistance Teams (MATs) that can provide assistance to absentee voters living in certain facilities. The Rules were adopted by the State Board of Elections and approved, with technical changes, by the Rules Review Commission.

North Carolina Session Law 2013-381, which mandated this temporary rulemaking, also amends G.S. § 163-226.3(a)(4) (effective January 1, 2014), the statute that authorizes MATs. Section 4.6 of the Session Law, which contains the amended statute, is also attached following the Rules.

In 2014, the State Board of Elections will consider these Rules, and possible amendments, as permanent Rules. A public notice and comment period will be provided.

1 08 NCAC 13 .0201 is adopted on September 30, 2013 under temporary procedures with changes as follows:

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3 **CHAPTER 13 – INTERIM RULES**

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5 **SECTION .0200 - MULTIPARTISAN ASSISTANCE TEAMS**

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7 **08 NCAC 13 .0201 MULTIPARTISAN ASSISTANCE TEAMS**

8 (a) Each County Board of Elections shall assemble and provide training to a Multipartisan Assistance Team  
9 (“Team”) to respond to requests for voter assistance for any primary, general election, referendum, or special  
10 election.

11 (b) For every primary or election listed in Subparagraph (a), the Team shall be made available in each county to  
12 assist patients and residents in every hospital, clinic, nursing home, or rest home (“covered facility”) in that county  
13 in requesting or casting absentee ballots as provided by Subchapter VII of Chapter 163 of the General Statutes. For  
14 the purposes of this Rule, a covered facility is any facility that provides residential healthcare in the State that is  
15 licensed or operated pursuant to Chapter 122C, Chapter 131D, or Chapter 131E of the General Statutes, or by the  
16 federal government or an Indian tribe.

17 (c) The Team may assist voters in requesting mail-in absentee ballots, serve as witnesses to mail-in absentee voting,  
18 and otherwise assist in the process of mail-in absentee voting as provided by Subchapter VII of Chapter 163 of the  
19 General Statutes. Upon the voter’s request, the Team shall assist voters who have communicated either verbally or  
20 nonverbally that they do not have a near relative, as defined in G.S. § 163-230.1(f), or legal guardian available to  
21 provide assistance.

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23 *History Note: Authority S.L. 2013-381, Sec. 4.6(b); G.S. 163-226.3(a)(4).*

24 *Temporary Adoption Eff. January 1, 2014.*

08 NCAC 13 .0202 is adopted on September 30, 2013 under temporary procedures with changes as follows:

**08 NCAC 13 .0202 TEAM MEMBERS**

(a) The Team shall be composed as follows:

(1) At least two registered voters shall be on each Team. The two political parties having the highest number of affiliated voters in the state, as reflected by the registration statistics published by the State Board of Elections on January 1 of the most recent year, shall each be represented by at least one Team member of the party's affiliation. If the Team consists of more than two members, voters who are unaffiliated or affiliated with other political parties recognized by the State of North Carolina may be Team members.

(2) If a County Board of Elections finds an insufficient number of voters available to comply with Subparagraph (a)(1) of this Rule, the County Board, upon a unanimous vote of all of its sworn members, may appoint an unaffiliated voter to serve *in lieu* of the Team member representing one of the two political parties as set out in Subparagraph (a)(1) of this Rule.

(b) Team members may not be paid or provided travel reimbursement by any political party or candidate for work as Team members.

*History Note: Authority S.L. 2013-381, Sec. 4.6(b); G.S. 163-226.3(a)(4);  
Temporary Adoption Eff. January 1, 2014.*

08 NCAC 13 .0203 is adopted on September 30, 2013 under temporary procedures with changes as follows:

**08 NCAC 13 .0203        TRAINING AND CERTIFICATION OF TEAM MEMBERS**

(a) The State Board of Elections shall provide uniform training materials to each County Board of Elections. Each County Board of Elections shall administer training for every Team member as directed by the State Board of Elections.

(b) Every Team member shall sign a declaration provided by the County Board of Elections that includes the following:

- (1) A statement that the Team member will carry out the duties of the Team objectively, will not attempt to influence any decision of a voter being provided any type of assistance, and will not wear any clothing or pins with political messages while assisting voters;
- (2) A statement that the Team member is familiar with absentee voting election laws and will act within the law, and the Team member will refer to County Board of Elections staff in the event the Team member is unable to answer any question;
- (3) A statement that the Team member will not use, reproduce, or communicate to unauthorized persons any confidential information or document handled by the Team member, including the voting choices of a voter and confidential voter registration information;
- (4) A statement that the Team member will not accept payment or travel reimbursement by any political party or candidate for work as a Team member;
- (5) A statement that the Team member does not hold any elective office under the United States, this State, or any political subdivision of this State;
- (6) A statement that the Team member is not a candidate for nomination or election, as defined in G.S. § 163-278.6(4), for any office listed in Subparagraph (b)(5) of this Rule.
- (7) A statement that the Team member does not hold any office in a State, congressional district, or county political party or organization, and is not a manager or treasurer for any candidate or political party. For the purposes of this Subparagraph, a delegate to a convention shall not be considered a party office;
- (8) A statement that the Team member is not an owner, manager, director, or employee of a covered facility where a resident requests assistance;
- (9) A statement that the Team member is not a registered sex offender in North Carolina or any other state; and
- (10) A statement that the Team member understands that submitting fraudulent or falsely completed declarations and documents associated with absentee voting is a Class I felony under Chapter 163 of the General Statutes, and that submitting or assisting in preparing a fraudulent or falsely completed document associated with absentee voting may constitute other criminal violations.

(c) Upon completion of required training and the declaration, the County Board of Elections shall certify the Team member. Only certified Team members may provide assistance to voters. The certification shall be good for two years, or until the State Board of Elections requires additional training, whichever occurs first.

*History Note: Authority S.L. 2013-381, Sec. 4.6(b); G.S. 163-226.3(a)(4);  
Temporary Adoption Eff. January 1, 2014.*

08 NCAC 13 .0204 is adopted on September 30, 2013 under temporary procedures with changes as follows:

**08 NCAC 13 .0204 VISITS BY MULTIPARTISAN ASSISTANCE TEAMS**

(a) The State Board of Elections shall provide annual notice regarding availability of Teams in each county. The notice will provide information for covered facilities to contact the County Board of Elections to arrange a Team visit.

(b) If a facility, or a patient or resident of a facility, requests a visit by the Team, the County Board of Elections shall notify the Team and schedule a visit within seven calendar days if it is able to do so.

(c) On a facility visit, the composition of the visiting Team members shall comply with the requirements of Rule .0202(a)(1) or (a)(2) of this Section.

(d) All Team members shall remain within the immediate presence of each other while visiting or assisting patients or residents.

(e) At each facility visit, the Team shall provide the following assistance to patients or residents who request it. Before providing assistance, the voter must have communicated, either verbally or nonverbally, that he or she requests assistance by the Team:

(1) Assistance in requesting a mail-in absentee ballot: The Team shall collect any completed request forms and promptly deliver those request forms to the County Board of Elections office.

(2) Assistance in casting a mail-in absentee ballot: Before providing assistance in voting by mail-in absentee ballot, a Team member shall be in the immediate presence of another Team member whose registration is not affiliated with the same political party. If the Team members provide assistance in marking the mail-in absentee ballot, the Team members shall sign the voter's container-return envelope to indicate that they provided assistance as allowed by law. Team members may also sign the container-return envelope as a witness to the marking of the mail-in absentee ballot.

(f) The Team shall keep a record containing the names of all voters who received assistance or cast an absentee ballot during a visit, and submit that record to the County Board of Elections.

*History Note: Authority S.L. 2013-381, Sec. 4.6(b); G.S. 163-226.3(a)(4);  
Temporary Adoption Eff. January 1, 2014.*

08 NCAC 13 .0205 is adopted on September 30, 2013 under temporary procedures with changes as follows:

**08 NCAC 13 .0205        REMOVAL OF TEAM MEMBERS**

(a) The County Board of Elections shall revoke a Team member's certification, granted under Rule .0203 of this Section, for the following reasons:

(1) Violation of Chapter 163 of the General Statutes or one of the Rules contained in this Section;

(2) Political partisan activity in performing Team duties;

(3) Failure to respond to directives from the County Board of Elections; or

(4) Failure to maintain certification.

(b) If the County Board of Elections revokes a Team member's certification, the person may not participate on the Team.

*History Note: Authority S.L. 2013-381, Sec. 4.6(b); G.S. § 163-226.3(a)(4);*

*Temporary Adoption Eff. January 1, 2014.*

**SECTION 4.6.(a)** G.S. 163-226.3(a)(4) reads as rewritten:

"(a) Any person who shall, in connection with absentee voting in any election held in this State, do any of the acts or things declared in this section to be unlawful, shall be guilty of a Class I felony. It shall be unlawful:

...

- (4) For any owner, manager, director, employee, or other person, other than the voter's near relative or verifiable legal guardian, to (i) make a written request pursuant to G.S. 163-230.1 or (ii) sign an application or certificate as a witness, on behalf of a registered voter-voter, who is a patient in any hospital, clinic, nursing home or rest home in this State or for any owner, manager, director, employee, or other person other than the voter's near relative or verifiable legal guardian, to mark the voter's absentee ballot or assist such a voter in marking an absentee ballot. This subdivision does not apply to members, employees, or volunteers of the county board of elections, if those members, employees, or volunteers are working as part of a multipartisan team trained and authorized by the county board of elections to assist voters with absentee ballots. Each county board of elections shall train and authorize such teams, pursuant to procedures which shall be adopted by the State Board of Elections. If neither the voter's near relative nor a verifiable legal guardian is available to assist the voter, and a multipartisan team is not available to assist the voter within seven calendar days of a telephonic request to the county board of elections, the voter may obtain such assistance from any person other than (i) an owner, manager, director, employee of the hospital, clinic, nursing home, or rest home in which the voter is a patient or resident; (ii) an individual who holds any elective office under the United States, this State, or any political subdivision of this State; (iii) an individual who is a candidate for nomination or election to such office; or (iv) an individual who holds any office in a State, congressional district, county, or precinct political party or organization, or who is a campaign manager or treasurer for any candidate or political party; provided that a delegate to a convention shall not be considered a party office. None of the persons listed in (i) through (iv) of this subdivision may sign the application or certificate as a witness for the patient.

...."

**SECTION 4.6.(b)** The State Board of Elections shall adopt rules prior to October 1, 2013, concerning the multipartisan teams authorized by G.S. 163-226.3(a)(4), as amended by subsection (a) of this section, to ensure that each county has, no later than the day absentee voting begins for each primary and election, trained teams to promptly assist patients and residents of any hospital, clinic, nursing home, or rest home in that county in casting absentee ballots as provided by law. Such rules shall be initially established as temporary rules in accordance with Chapter 150B of the General Statutes.